

TAB G

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UNITED STATES DISTRICT COURT

District of Massachusetts

CYCLE-CRAFT CO., INC.)
d/b/a BOSTON)
HARLEY-DAVIDSON/BUELL,)
Plaintiff,)

VS.)

Case No.
04 11402 NMG

HARLEY-DAVIDSON MOTOR)
COMPANY, INC., and BUELL)
DISTRIBUTION COMPANY, LLC.)
Defendants.)

VIDEOTAPED DEPOSITION OF JEFFREY P.
CHRISTENSEN, a witness called by and on behalf
of the Defendants, taken pursuant to the
applicable provisions of the Federal Rules of
Civil Procedure, before Sandra L. Bray,
Registered Diplomat Reporter, CSR Number
103593, and Notary Public in and for
Commonwealth of Massachusetts, at the offices of
Boynton Waldron Dolcac Woodman & Scott, P.A.,
82 Court Street, Portsmouth, New Hampshire, on
Wednesday, April 6, 2005, commencing at
9:58 a.m.

REPORTERS, INC.
GENERAL & TECHNICAL COURT REPORTING
23 Merrymont Road, Quincy, MA 02169
617.786.7783/facsimile 617.786.7723

1 Q. Why didn't you just use checks from Lee Custom
2 Cycle?

3 A. Because nobody does titles unless you've got a
4 bank check. It's not a done deal because
5 somebody does a title, the check bounces, and
6 the person is gone with the bike, the car. It's
7 not a good practice to do titles without
8 certified funds.

9 Q. Did any of the funds come from your individual
10 account, personal account?

11 A. For those motorcycles?

12 Q. Yes.

13 A. Yes, they all did.

14 Q. From Lee Custom Cycle's accounts?

15 A. Yes.

16 Q. Not from Jeff Christensen's account, from Lee
17 Custom Cycle's accounts?

18 A. It's one and the same.

19 Q. Okay. So for the five or eight motorcycles that
20 you purchased from Boston Harley-Davidson, the
21 funds all came from Lee Custom Cycle's accounts?

22 MS. SMAGULA: Objection.

23 A. Correct.

24 Q. Is that correct, sir?

1 A. Correct, but there probably wasn't any memo or
2 anything on them.

3 Q. So David Karp didn't provide any individual
4 funds?

5 A. No.

6 Q. Anne Karp didn't provide any individual funds?

7 A. No.

8 Q. Robert Issa didn't provide any funds?

9 A. No.

10 Q. Donald Rist didn't provide any funds?

11 A. No.

12 Q. Michael Dellacroce did not provide any funds?

13 A. No.

14 Q. Greg Gallagher did not provide any funds?

15 A. No.

16 Q. And Denise Gallagher did not provide any funds?

17 A. No.

18 Q. If you look back on Exhibit 2, Mr. Christensen,
19 do you see the price for that motorcycle on the
20 right-hand column?

21 A. Yep.

22 Q. Do you recall having any negotiations with
23 any --

24 A. Excuse me. Negotiations as far as what?

1 Q. I'm sorry. I didn't finish my question. Do you
2 recall having any negotiations with any
3 representative of Boston Harley concerning the
4 price of these motorcycles?

5 A. Probably just Jason.

6 Q. And do you recall what conversations you had had
7 with them?

8 A. No. I think they had a lot of extra bikes, and
9 they just wanted to sell them, you know. They
10 made so many of them that year that they were
11 everywhere.

12 Q. So Jason advised you that Boston Harley-Davidson
13 wanted to sell those motorcycles?

14 A. Yeah, well, they wanted to sell all their bikes,
15 just like I want to sell all my bikes.

16 Q. And these were the new motorcycles, correct?

17 A. Yeah.

18 Q. And these are conversations you on behalf of Lee
19 Custom Cycle had with Jason?

20 MS. SMAGULA: Objection.

21 A. Correct.

22 Q. Did you have conversations with Jason concerning
23 the eight motorcycles set forth on Exhibit 2?

24 MS. SMAGULA: Objection.

1 A. Probably. Like I said before, I might have got
2 a list and said, "These are the ones I want."
3 Jason was a very aggressive salesman, a real
4 nice guy, and he just wanted to sell
5 motorcycles.

6 Q. And at that time, you were willing to purchase
7 those motorcycles?

8 A. Sure. I'll buy them all the time. I buy bikes
9 every day.

10 Q. And looking at Exhibit 2, does that refresh your
11 recollection at all how many motorcycles Lee
12 Custom Cycle purchased?

13 MS. SMAGULA: Objection.

14 A. Yes.

15 Q. How many did Lee Custom Cycle purchase?

16 MS. SMAGULA: Objection.

17 A. Well, if there's -- what did it come out to,
18 seven? Two, three, four, five, six, seven. I
19 think seven. I think Denise is down here twice;
20 isn't she? Oh, no. Looks like eight.

21 Q. So looking at Exhibit 2, does that refresh your
22 recollection that Lee Custom Cycle purchased
23 eight motorcycles from Boston Harley?

24 MS. SMAGULA: Objection.

1 A. Seven, eight, yes. Yes, I'm surprised one's in
2 my name, though.

3 Q. And why are you surprised that one's in your
4 name, Mr. Christensen?

5 A. Well, usually I can't buy any new bikes in my
6 name.

7 Q. And if you look back on Page 1, Mr. Christensen,
8 on the bottom, there's a signature down on the
9 left. Do you recognize that signature?

10 A. Looks like Jason's.

11 Q. How about there's initials on the right,
12 dealer's signature? Do you recall who that is?

13 A. No.

14 MR. BENSON: Would you mark this as
15 Exhibit 3, please?

16 (Motorcycle Bills of Sale were marked
17 Exhibit Number 3 for identification.)

18 Q. Mr. Christensen, can you take a look at what's
19 been marked as Exhibit 3? Take a look at that,
20 and let me know whether you recognize these
21 documents.

22 A. Yes, these look like the bill of sales for all
23 the bikes. Yep. I think everybody went down
24 and signed individually for them.

1 his house?

2 A. No.

3 Q. How about Donald Rist? Did he ever have a new
4 Harley-Davidson --

5 A. No.

6 Q. -- from Boston Harley-Davidson at his house?

7 A. No.

8 Q. How about Michael Dellacroce?

9 A. No.

10 Q. Did he ever have a new Harley-Davidson from
11 Boston Harley-Davidson at his house?

12 A. No.

13 Q. How about Greg Gallagher? Did he ever have a
14 new Harley-Davidson from Boston Harley-Davidson
15 at his house?

16 A. No.

17 Q. How about Denise Gallagher? Did she ever have a
18 new Harley-Davidson from Boston Harley-Davidson
19 at her house?

20 A. No.

21 Q. Okay. So all the motorcycles which are set
22 forth on Exhibit 3, those are motorcycles that
23 were purchased by Lee Custom Cycle?

24 MS. SMAGULA: Objection.

1 A. Correct.

2 Q. And they were brought to your dealership in Lee,
3 New Hampshire?

4 A. Correct.

5 Q. And all eight motorcycles were then sold by Lee
6 Custom Cycle?

7 MS. SMAGULA: Objection.

8 A. Right.

9 Q. And they were sold to other individuals,
10 correct?

11 A. Correct.

12 Q. Lee Custom Cycle never sold a motorcycle to
13 David Karp; is that correct?

14 A. No.

15 Q. Did it sell a motorcycle to Anne Karp?

16 A. No.

17 Q. Did it sell a motorcycle to Robert Issa?

18 A. No.

19 Q. Did it sell a motorcycle to Donald Rist?

20 A. No. We sold them to Robert Issa, but not one of
21 these '03's.

22 Q. Not one of these new '03's. Didn't sell one of
23 these motorcycles to Michael Dellacroce?

24 A. Not one of these. We sold him other bikes.

1 about that we bought out of there.

2 Q. And these are the eight motorcycles that Lee
3 purchased from Boston Harley-Davidson?

4 A. Well, individuals purchased them for us
5 indirectly.

6 Q. But these individuals never took possession of
7 the motorcycles?

8 MS. SMAGULA: Objection.

9 A. No.

10 Q. These motorcycles went directly to Lee Custom
11 Cycle?

12 MS. SMAGULA: Objection.

13 A. Correct.

14 Q. Okay. And Jason was aware -- Jason at Boston
15 Harley was aware that the motorcycles were going
16 to Lee Custom Cycle?

17 MS. SMAGULA: Objection.

18 A. Correct.

19 Q. I'd like to just ask you a question about one of
20 these documents. If you go to -- if you go sort
21 of midway, there's documents concerning --
22 there's a bike that has Robert Issa on the bill
23 of sale?

24 A. Correct.

1 A. No.

2 Q. They're collectors?

3 A. Yes, some. Got a dealer plate, throw one on it
4 and go for a ride, stuff like that. I buy and
5 sell them every day of the week, so...

6 MS. SMAGULA: Okay. I think that's
7 all I have. Thank you.

8 THE WITNESS: Okay.

9 MR. BENSON: I just have a couple
10 follow-ups, and I'll be done.

11 THE WITNESS: Okay.

12 RE-EXAMINATION BY MR. BENSON:

13 Q. Sometime in July 2003, you had a conversation
14 with Jason at the Boston Harley dealership?

15 A. Correct.

16 Q. And during that conversation, he advised you
17 that an order for Boston Harley to sell bikes to
18 Lee Custom, you need to find individual names?

19 MS. SMAGULA: Objection.

20 A. Yeah, he probably -- I don't really recall
21 exactly, but, you know --

22 Q. In substance, that was the nature of the
23 conversation?

24 MS. SMAGULA: Objection.

1 A. Right.

2 Q. And then after that conversation, Lee Custom
3 purchased eight motorcycles from Boston Harley?

4 A. Correct.

5 Q. And then Lee Custom picked up those eight
6 motorcycles from Boston Harley?

7 MS. SMAGULA: Objection.

8 A. At different times.

9 Q. And then those motorcycles were brought back to
10 the Lee Custom shop in New Hampshire?

11 A. Correct.

12 Q. And then they were sold to customers of Lee
13 Custom Cycle?

14 A. Correct.

15 MR. BENSON: Okay. No further
16 questions.

17 THE VIDEO OPERATOR: Anything else?

18 MS. SMAGULA: I don't have anything
19 else.

20 MR. SCOTT: I have nothing.

21 THE VIDEO OPERATOR: With that, it's
22 12:28, and this concludes the deposition.

23 (Deposition concluded at 12:28 p.m.)

24